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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/324,778	06/03/1999	MANABU HYODO	0879-02359	2007

7590 11/09/2004

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EXAMINER	
MOE, AUNG SOE	
ART UNIT	**PAPER NUMBER**
2612	

DATE MAILED: 11/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/324,778	HYODO, MANABU	
	Examiner	Art Unit	
	Aung S. Moe	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-11 and 13-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1,3,5,11 and 15* is/are allowed.

6)☒ Claim(s) *4,6-10,13 and 14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 4, 6-10 and 13-14 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 4, 6, 8, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cho (U.S. 5,396,287) in view of Freeman (U.S. 5,289,168).

Regarding claim 13, Cho '287 discloses a camera (i.e., Figs. 5 and 9; col. 8, lines 15+), comprising: a touch panel (i.e., Figs. 5 and 9; col. 8, lines 35+) that determines a pressure being applied on a surface thereof and outputting a signal indicative of the pressure (i.e., as discussed in col. 8, lines 43+ that the continuous changes in the pressure applied to the panel 51 may be detected so that the zooming operation of the camera is changes based on the signal indicative of the continuous changes of the pressure signals outputted by the CPU 18. Moreover, it is cleared from Fig. 9 of Cho '287 that the zooming of the cabin is changed based on the continuous changes of the pressure applied on the touch inputting portion 12 which is detected by the CPU 18 respectively).

Furthermore, although Cho '287 discloses a controller (i.e., the CPU 18) for continuously varying change of a parameter (i.e., noted the variation of the zooming parameter changes of the camera as discussed in col. 8, lines 40+) in proportion to the signal (i.e., as stated in col. 8, lines 65+ that the magnification parameter changes of the camera is proportional to the pressure signals, for example, when the pressure is low the magnification is small, and when the pressure is high, the magnification is larger as discussed in col. 8, lines 68+ of Cho '287), Cho '287 is silent as to varying **the speed of a parameter change** (i.e., the rate/speed of a magnification changes).

However, since the magnification data of the zoom lens is proportional to the pressure signal (i.e., see col. 8, lines 40-68), it is obvious that a speed of change of a magnification of (i.e., zoom rate/speed of the camera) has to continuously vary proportional to the pressure signal changes detected by the CPU 18 (see col. 8, lines 40+ of Cho '287), this is further evidenced by the teaching of Freeman '168. In particular, Freeman '168 teaches that the use of a controller (i.e., see Fig. 1a, the CPU 9) for continuously varying a speed of change of a parameter (i.e., the rate of the magnification/zoom; see col. 5, lines 45-55) in proportion to the pressure signal (i.e., noted the teaching of Freeman '168 that the pressure applied to the panel 5 is monitored to alter/change the rate/speed at which zooming occurs so that the harder the pressure, the faster the image zooms can be realized).

In view of the above, having the system of Cho '287 and then given the well-established teaching of Freeman '168, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the controller of Cho '287 by allowing continuous varying a speed of change of a parameter (i.e., noted the rate of zooming changes proportion to

the pressure signal) in proportion to the pressure changes signal as taught by Freeman '168, since Freeman '168 stated in col. 1, lines 50+ such a modification would improve operability of zoom/scroll function thereof.

Regarding claim 8, Freeman '168 teaching that an image display (30) for displaying reproduced images, wherein the parameter is screen scrolling on the image display and the controller (9) changes screen scrolling speed in proportion to the signals (i.e., col. 4, lines 45+; col. 5, liens 20+), thus, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system of Cho '287 as taught by Freeman '168 for the same reasons as discussed above for claim 13 above.

Regarding claim 14, the combination of Cho '287 and Freeman '168 discloses wherein said controller continuously accumulates the signal and varies the speed in proportion to the accumulated signal (i.e., as discussed in col. 10, lines 60+ that since the parameters for current shooting operation are calculated by the controller 18 from the parameters for the preceding shooting operation when the touch inputting portion is pressed again, it is possible to execute a new shooting operation continuously from the preceding shooting operation. In view of this, it is cleared that the controller 18 is capable of accumulating the pressure signals so that the zoom speed may be varied based on the pressure signals accumulated by the controller 18 as claimed; and in col. 8, lines 65+, Cho '287 discloses that the magnification is proportion to the accumulated pressures).

Regarding claim 6, the combination of Cho '287 and Freeman '168 discloses that the parameter is a zoom operation item in the camera, and the zooming rate of the camera can be changed in proportion to the pressure signal applied to the touch inputting panel 12 which is

determined by the controller (18) when performing the zooming (i.e., Fig. 9-12C; col. 8, lines 40+ - col. 9, lines 20+; and col. 5, lines 45-60 of Freeman '168).

Regarding claim 4, Cho '287 discloses an image display that displays the changes in a pressure being applied on a surface of the touch panel (i.e., noted form Figs. 9 & 12A-12C that when the pressure signal applied to the touch inputting panel 12 is changed, e.g., from the low pressure to the high pressure, the magnification of the image is changes and this changes is displayed on the display device 10 thereof).

4. Claims 13 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda et al. (US 2002/0110354) in view of Freeman (U.S. 5,289,168).

Regarding claim 13, Ikeda '354 discloses a camera (Fig. 6) comprising: a touch panel (18a) that determines a pressure being applied on a surface thereof (i.e., as discussed in page 4, paragraph 0076+ that the microprocessor 14 is capable of detecting the continuous changes in a pressure when the user is pressed one of the button, e.g., the replay buttons. It is noted that when the replay button or the scrolling button is pressed by the user, the pressure is continuously changes from the non-pressure state to the pressure state) and outputting a signal indicative of the pressure (i.e., noted that when the continuous pressure changes are detected by the microprocessor 14, the microprocessor 14 generate the signal to perform the respective operations for the selection item. For example, when the user pressed the scrolling button 49 as shown in Fig. 17, the microprocessor 14 detected the continuous pressure changes and generated the signal to perform the scrolling operation thereof); and

a controller (14) for continuously varying a parameter based on the signal (i.e., noted the operation parameters such that Scroll, Pause, Reverse, and Forward, of the camera parameters are varied based on the signal generated by the microprocessor 14 in response to the continuous pressure changes detected thereby; see pages 4 & 5, paragraphs 0076, 0097, and 0104).

Furthermore, it is noted that Ikeda '354 does not explicitly stated that a speed of change of the parameter is continuously varying based on the signal by the controller, however, it is noted that the operation parameters of Ikeda '354 changes based on the pressure changes is detected by the controller. In view of this, it is obvious that a speed of the parameter has to be varied in proportion to the pressure-changed signal, and the teaching of Freeman'168 further evidences this limitation. In particular, Freeman '168 teaches that it is conventionally well-known in the art that a speed of change of a parameter (i.e., the Scrolling speed of the touch penal) is continuously varying in proportion to the pressure being applied on the surface of the touch panel is detected to be changed (i.e., col. 5, lines 20-60).

In view of this, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the controller of Ikeda '354 as taught by Freeman '168 so that it is possible to change the speed of change and quantity of movement of the parameters (i.e., see Fig. 22 of Ikeda '354) by merely increasing the pressure applied on the touch panel portion of the camera, thereby the change of the parameters (i.e., Scrolling speed of the display image) may be performed in fast and an easy manner and thereby improve operability thereof.

Regarding claim 7, Ikeda '354 discloses an image display for displaying reproduced images (i.e., see Figs. 15-21 of Ikeda '354), wherein the parameter is frame forwarding of the reproduced images (i.e., Fig. 19, the element 66 of Ikeda '354), and the controller (14) changes

frame forwarding speed in proportion to the signal (i.e., noted that the replay speed, such that Frame Forward speed, of the camera parameter is changed based on the signal generated by the microprocessor 14 in response to the continuous pressure changes detected thereby; see pages 4 & 5, paragraphs 0076, 0097, and 0104). Moreover, Freeman '168 teaches that the pressure applied to the touch-panel is proportion to the operation parameter of the reproduced images displaying of the image display 30 (i.e., see col. 4, lines 55+ and col. 5, lines 20+ of Freeman '168). In view of this, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the controller of Ikeda '354 as taught by Freeman '168 so that it is possible to change the speed of change and quantity of movement of the parameters (i.e., see Fig. 22 of Ikeda '354) by merely increasing the pressure applied on the touch panel portion of the camera, thereby the change of the parameters (i.e., Forwarding speed of the display image) may be performed in fast and an easy manner and thereby improve operability thereof.

Regarding claim 8, Ikeda '354 discloses an image display for displaying reproduced images (i.e., see Figs. 15-21), wherein the parameter is screen scrolling on the image display (i.e., see Fig. 15, the element 33 of Ikeda '354; noted that the scrolling parameter of the camera is changed based on the signal generated by the microprocessor 14 in response to the continuous pressure changes detected thereby; see pages 4 & 5, paragraphs 0076, 0097, and 0104 of Ikeda '354). Moreover, Freeman '168 teaches that the pressure applied to the touch-panel is proportion to the operation parameter, such as scrolling speed of the reproduced images displaying of the image display 30 (i.e., see col. 4, lines 55+ and col. 5, lines 20+ of Freeman '168). In view of

this, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the controller of Ikeda '354 as taught by Freeman '168 so that it is possible to change the speed of change and quantity of movement of the parameters (i.e., see Figs. 15 and 22 of Ikeda '354) by merely increasing the pressure applied on the touch panel portion of the camera, thereby the change of the parameters (i.e., Scrolling speed of the display image) may be performed in fast and an easy manner and thereby improve operability thereof.

5. Claims 13 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. (U.S. 5,671,014) in view of Freeman (U.S. 5,289,168).

Regarding claim 13, Ito '014 discloses a camera (Fig. 1) comprising: a touch panel (11) that determines a pressure being applied on a surface thereof (i.e., as discussed in col. 4, lines 31+ that the microcomputer 3 is capable of detecting the continuous changes in a pressure based on the continuous changes of voltage levels when the user is pressed on the touch panel to select the camera's parameter as shown in Figs. 8-9) and outputting a signal indicative of the continuous changes (i.e., It is noted that when the brightness adjustment or the volume adjustment is pressed by the user, the pressure is continuously changes in response to the changes of the voltages, such continuous changes are detected by the microcomputer 3 and the microcomputer 3 generates the signal indicative of the continuous changes to perform the respect control operations for the camera. For example, when the user pressed the brightness adjustment as shown in Figs. 9A and 9B, the microcomputer 3 detected the continuous pressure changes and generated the signal to perform the brightness adjustment operation thereof); and

a controller (3) for continuously varying a parameter based on the signal (i.e., noted that the speed, such that Stop, Rewind, Fast Forward and either increasing or decreasing the brightness/volume level, of the camera parameters are varied based on the signal generated by the microprocessor 3 in response to the continuous pressure changes detected thereby; see col. 4, lines 33+ and col. 6, lines 15+).

Furthermore, it is noted that Ito '014 does not explicitly stated that a speed of change of the parameter is continuously varying in proportion to the signal (i.e., the pressure signal), however, it is noted that the operation parameters of Ito '014 changes based on the pressure changes is detected by the controller. In view of this, it is obvious that a speed of the parameter has to be varied based on the pressure changed is detected and this is further evidenced by the teaching of Freeman '168. In particular, Freeman '168 teaches that it is conventionally well-known in the art that a speed of change of a parameter (i.e., the Scrolling/Zooming speed of the image data displaying on the touch penal 30) is continuously varying in proportion to the pressure being applied on the surface of the touch panel (30) is detected to be changed (i.e., col. 4, lines 50+ and col. 5, lines 20-60).

In view of this, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the controller of Ito '014 as taught by Freeman '168 so that it is possible to change the speed of change and quantity of movement of the parameters (i.e., see Fig. 1, 9A-9B of Ito '014) by merely increasing the pressure applied on the touch panel portion of the camera as suggested by Freeman '168, thereby the change of the parameter (i.e., Scrolling the display image) may be performed in fast and an easy manner and thereby improve operability thereof.

Regarding claim 9, Ito '014 discloses an image display for displaying images (i.e., col. 2, lines 33+ of Ito '014); and the controller (3) changes luminance (i.e., Brightness) of the image display base on the signal (i.e., Fig. 9B; col. 6, lines 25+ of Ito '014). Moreover, Freeman '168 teaches that the pressure applied to the touch-panel is proportion to the speed of change of the operation parameter of the reproduced images displaying of the image display 30 (i.e., see col. 4, lines 55+ and col. 5, lines 20+ of Freeman '168). In view of this, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the controller of Ito '014 as taught by Freeman '168 so that it is possible to change the speed of change and quantity of movement of the parameters (i.e., the speed of the luminance/brightness changes as shown in Fig. 9B of Ito '014) by merely increasing the pressure applied on the touch panel portion of the display as suggested by Freeman '168, thereby the speed of change of the parameters may be performed in fast and an easy manner and thereby improve operability thereof.

Regarding claim 10, Ito '014 discloses the parameter is volume adjustment at audio reproduction (i.e., Figs. 8 and 9A), and the controller (3) changes the volume at the audio reproduction based on the signal (i.e., col. 6, lines 20+ of Ito '014). Moreover, Freeman '168 teaches that the change in the pressure applied to the touch-panel is proportion to the change of the operation parameter varied on the image display 30 (i.e., see col. 4, lines 55+ and col. 5, lines 20+ of Freeman '168). In view of this, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the controller of Ito '014 as taught by Freeman '168 so that it is possible to vary the volume level in proportion to the pressure signal

(i.e., noted that the volume adjustment as shown in Fig. 9A of Ito '014 can be adjusted by change the pressure applied to the touch panel as suggested by Freeman '168) by merely increasing the pressure applied on the touch panel portion of the display as suggested by Freeman '168, thereby the speed of change of the parameters may be performed in fast and an easy manner and thereby improve operability thereof.

Allowable Subject Matter

6. Claims 1, 3, 5, 11 and 15 are allowed.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Cutler '347 shown a bar-graph and the tough panel device.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aung S. Moe whose telephone number is 703-306-3021. The examiner can normally be reached on Mon-Fri (9-5).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aung S. Moe
Primary Examiner
Art Unit 2612

A. Moe
November 6, 2004